

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

James Arthur Nofs

Case No.

Case: 2:21-mj-30075

Assigned To : Unassigned

Assign. Date : 2/12/2021

Description: USA V. JAMES
ARTHUR NOFS

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 2, 2020 in the county of St. Clair in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 USC §§ 2252A(a)(1) and 2252A(b)(1)

Transportation of child pornography

18 USC §§ 2252A(a)(5)(B) and 2252A(b)(2)

Possession of child pornography

This criminal complaint is based on these facts:

see attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: February 12, 2021City and state: Detroit, Michigan
Complainant's signatureScott A. Engelby, Special Agent (FBI)
Printed name and title
Judge's signatureHon. Kimberly G. Altman, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Scott Engelby, being duly sworn, do hereby state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been employed since January 5, 2019. I am presently assigned to the FBI's Detroit Field Office, Bay City Resident Agency. I work a variety of criminal and national security matters including the investigation of violent crimes, major offenses such as federal bank robberies, crimes against children and the apprehension of federal fugitives. During the course of my career, I have conducted and participated in numerous child exploitation and child pornography investigations including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in many forms of media, including computer media.

2. This affidavit is being submitted for the purpose of obtaining a criminal complaint and arrest warrant for James Arthur Nofs for transportation of child pornography and possession of child pornography involving a prepubescent minor or a minor who had not attained 12 years of age, in violation of 18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1) and 18 U.S.C. §§ 2252A(a)(5)(B) & 2252A(b)(2).

3. The information set forth in this affidavit was obtained during the course of my employment with the FBI, through personal observation, statements of witness, information supplied by other local and federal law enforcement officers and through other investigative activity.

Probable Cause

4. On June 6, 2020, Google submitted a tip through National Center for Missing and Exploited Children (NCMEC) reporting Google user James Arthur Nofs, nofs*****@gmail.com, phone number 810-388-**** or 810-388-****, to have uploaded an image of child pornography on June 2, 2020 13:14:29 UTC utilizing IP address 45.31.38.43. The case numbers provided by NCMEC are 73085301, 73089515, and 73089772.

5. Google performed an IP lookup of 45.31.38.43 and provided it to NCMEC. The IP address comes back to the Port Huron, MI area. The provider is AT&T U-Verse.

6. An administrative subpoena was submitted to AT&T requesting information concerning IP address 45.31.38.43. AT&T provided the following:

Account Number: 305034170
Account Name: JAMES NOFS
Billing Address: ***** ,PORT HURON ,MI 48060-5220
Acct Creation: 2020-04-29
Account Status: Open
Account Email: J*****@ATT.NET

7. Google provided the image uploaded by Nofs to NCMEC. I have reviewed the image and determined it is child pornography as defined by 18 U.S.C. § 2256, i.e., visual depictions of minors engaging in sexually explicit conduct. The following is a description of that image:

File name: Google-CT-RPT-f5766f6c176bbca3785cae597d7d9b1-

Description: A prepubescent female wearing white and blue clothing exposing her anus and vagina to the camera.

8. I searched the Michigan sex offender registry with the name James Nofs. Nofs is a registered sex offender. Nofs was convicted of criminal sexual conduct 1st degree and 2nd degree (person under 13 years of age) in 1992 by the 16th Circuit Court in Macomb County. Nofs was also convicted in 2013 for being in possession of child sexually abusive material.


9. A search warrant was conducted at Nofs residence on February 11, 2021. Multiple electronic items were seized. Nofs was interviewed on scene. Nofs stated the Google account associated with, "nofs*****@gmail.com" was his. No one else had access to his Google account as he was the only one with the password. Nofs also admitted that he would actively search for websites that contained female children under the age of 18 dressed in underwear posing in a sexual manner. While searching for the websites of underage females dressed in minimal clothing, websites containing children performing sexual acts and or nude

children would appear on his computer screen. Nofs denied being in possession of child pornography or ever having uploaded images of child pornography to his Google account.

Conclusion

10. Based upon the above information, I respectfully submit that there is probable cause to believe that James Arthur Nofs committed the offenses of transportation of child pornography and possession of child pornography involving a prepubescent minor or a minor who had not attained 12 years of age, in violation of 18 U.S.C. §§ 2252A(a)(1) and 2252A(b)(1) and 18 U.S.C. §§ 2252A(a)(5)(B) & 2252A(b)(2) in the Eastern District of Michigan.

Respectfully submitted,



Scott A. Engelby, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence and/or by reliable electronic means.



HON. KIMBERLY G. ALTMAN
UNITED STATES MAGISTRATE JUDGE

Dated: February 12, 2021